

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 26, 2002 LB 1040

there telling their people not to write ALR because they can't afford it. We have a great percentage of people who go for the ALR hearings. If the officer doesn't show up, it's thrown out anyway. It's not a fair and consistent program and it's not doing what it was intended to do and we ought to take a look at doing away with the whole program. I do support Senator Brashear's amendment, which only puts this debt on hold, and I know I didn't talk much about that but I wanted to get this word in. Thank you.

SPEAKER KRISTENSEN: (Visitors introduced.) Senator Don Pederson.

SENATOR D. PEDERSON: Mr. Speaker, members of the body, I'm concerned about the approach of Senator Brashear in this matter. I think that we are putting the credibility of the state on the line. I think there is a charge. Whether you like the charge or not, it is ordered by the court and I think that it's not appropriate for us to arbitrarily decide that we're not going to pay bills of the state in a timely manner. There is a procedure where there could be an appeal if one determined that these fees ordered by the court are not appropriate, but let me turn to the statute for county attorneys. The statute 23-1201 states: The county attorney may be directed by the Attorney General to represent the state in any action or matter in which the state is interested or a party. When such service requires the performance of duties which are in addition to the ordinary duties of the county attorney, he or she shall receive such fee for his or her service, in addition to the salary as county attorney. So the county attorney is placed in a unique position. By statute they are required to do this if the Attorney General says to do it. I think that we are unduly attempting to punish the county attorney in these matters. Now I, frankly, do not know how much time or novelty of the event or whatever was involved in these charges, but maybe they did \$500 worth of service, but I'm inclined to think that they didn't. I'm inclined to think that the judge arbitrarily made a determination that...that they're going to pay \$500 every time one of these hearings comes up, and I just think that we have a situation where the county attorney is directed to do this. They are not in a position to turn it down. And I think that